THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT APPEAL NO.1184 OF 2006

13th November 2006

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 28.08.2006 in W.P.NO.17851 OF 2006 on the file of the High Court.)

Between:

G.Kesava Reddy, S/o.Late Sri G.Rami Reddy, 65 years, Ex-Naib Subedar (JC-9384OK) R/o.H.No.157, LIGH, Bharatnagar Colony, Sanathnagar IE (Post), Hyderabad-18.

...APPELLANT

AND

1. Union of India, rep.by its Secretary of Defense, Ministry of Defense (Pen-A), New Delhi-110 011.

And three others.

...RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT APPEAL NO.1184 of 2006

JUDGMENT: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard both the sides.

The appellant filed W.P.No.17851 of 2006 seeking to assail the inaction on the part of the respondents in not considering his various representations including the representation dated 22.02.2006 in regard to the promotion to which he is entitled to the post of 'Subedar'. Admittedly, the appellant was appointed on 22.07.1961 and that his entire career record is very impressive. However, the fact remains that the appellant retired from service on 01.08.1985. Though he has been regularly filing representations, the same were not considered. Hence, the Writ Petition. After taking into consideration all these circumstances, especially, the long delay and the latches on the part of the appellant in instituting his representation, the learned Single Judge did not feel proper to exercise extraordinary jurisdiction under Article 226 of the Constitution of India and dismissed the Writ Petition.

Hence, the Wit Appeal.

Having heard on either side and on perusal of the material available on record, we are in entire agreement with the finding given by the learned Single Judge since no explanation is forthcoming on the part of the appellant except stating that his representation has been pending. Further, it is to be noted that mere filing representations does not create any cause of action. Hence, there are no merits in the appeal.

The Writ Appeal is accordingly dismissed. No costs.

_____

(B.PRAKASH RAO, J)

_____

(RAMESH RANGANATHAN, J)

13th November 2006
RRB